

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 29, Pages 1-3, Section 311.185, Line 1-
2 63, by deleting all of said section and line and inserting in lieu thereof the following:

3
4 "311.185. 1. Notwithstanding any rule, law, or regulation to the contrary, any person
5 currently licensed in this state or any other state as a wine manufacturer may apply for and the
6 supervisor of alcohol and tobacco control may issue a wine direct shipper license, as provided in
7 this section, which allows a wine manufacturer to ship up to two cases of wine per month directly to
8 a ~~[resident of]~~ person within this state who is at least twenty-one years of age for such ~~[resident's]~~
9 person's personal use and not for resale. Before sending any shipment to a ~~[resident of]~~ person
10 within this state, the wine manufacturer shall first obtain a wine direct shipper license as follows:

11 (1) File an application with the division of alcohol and tobacco control; ~~[and]~~

12 (2) Provide to the division of alcohol and tobacco control a true copy of its current alcoholic
13 beverage license issued in this state or any other state, as well as a copy of the winery license from
14 the Alcohol and Tobacco Tax and Trade Bureau; and

15 (3) Pay a license fee of one hundred dollars per year.

16 2. All wine direct shipper licensees shall:

17 (1) Not ship more than two cases of wine per month to any person for his or her personal
18 use and not for resale;

19 (2) Not use any carrier for shipping of wine that is not licensed under ~~[this]~~ section 311.186;

20 (3) Only ship wine that is properly registered with the Alcohol and Tobacco Tax and Trade
21 Bureau;

22 (4) Only ship from the winery premises wine that is manufactured on the winery premises;

23 (5) Ensure that all containers of wine delivered directly to ~~[a resident of]~~ persons within this
24 state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF
25 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with
26 wording preapproved by the division of alcohol and tobacco control;

27 (6) If the winery is located outside of this state, ~~[by January thirty-first]~~ on or before the
28 fifteenth day of each calendar month, make a report under oath to the supervisor of alcohol and
29 tobacco control setting out the total amount of wine shipped into the state the preceding ~~[year]~~
30 month;

31 (7) If the winery is located outside of this state, pay the division of alcohol and tobacco
32 control all excise taxes due on the amount to be calculated as if the sale were in this state at the
33 location where the delivery is made;

34 (8) If the winery is located within this state, provide the division of alcohol and tobacco
35 control any additional information deemed necessary beyond that already required for retail sales
36 from the winery tasting room to ensure compliance with this section;

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(9) Permit the division of alcohol and tobacco control to perform an audit of the wine direct shipper licensees' records upon request; and

(10) Be deemed to have consented to the jurisdiction of the division of alcohol and tobacco control or any other state agency and the Missouri courts concerning enforcement of this section and any related laws, rules, or regulations.

3. The wine direct shipper licensee may annually renew its license with the division of alcohol and tobacco control by providing the division of alcohol and tobacco control all required items provided in subsection 1 of this section.

4. ~~[Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as provided in this section, which allows the carrier to transport and deliver shipments of wine directly to a resident of this state who is at least twenty-one years of age or older. Before transporting any shipment of wine to a resident of this state, the carrier shall first obtain an alcohol carrier license by filing an application with the division of alcohol and tobacco control.~~

~~5. All alcohol carrier licensees shall:~~

~~(1) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or any person appearing to be in a state of intoxication;~~

~~(2) Require valid proof of identity and age;~~

~~(3) Obtain the signature of an adult as a condition of delivery; and~~

~~(4) Keep records of wine shipped which include the license number and name of the winery or retailer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine.~~

~~6.] The division of alcohol and tobacco control may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.~~

311.186. 1. Notwithstanding any other provision of law, rule, or regulation to the contrary, any carrier may apply for, and the supervisor of alcohol and tobacco control may issue, an alcohol carrier license, as provided in this section, which allows the carrier to transport and deliver shipments of intoxicating liquor for personal use and not for resale directly to a person within this state who is at least twenty-one years of age. Before transporting any such shipment of intoxicating liquor to a person within this state, the carrier shall first obtain an alcohol carrier license by filing an application with the division of alcohol and tobacco control and paying a license fee of five hundred dollars per year.

2. It shall be unlawful for any person, firm, partnership, or corporation to deliver intoxicating liquor, as defined in section 311.020, from outside the state of Missouri, in any quantity, directly to a person within this state for personal use and not for resale without first obtaining an alcohol carrier license.

3. All alcohol carrier licensees shall:

(1) Ensure that all containers of intoxicating liquor delivered directly to a person within this state for personal use and not for resale are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved by the division of alcohol and tobacco control;

(2) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or

1 any person appearing to be in a state of intoxication;

2 (3) Require valid proof of identity and age;

3 (4) Obtain the signature of a person at least twenty-one years of age as a condition of
4 delivery;

5 (5) Keep records for a period of two years of intoxicating liquor shipped which include the
6 name of the winery or retailer, weight of intoxicating liquor shipped, purchaser's name, recipient's
7 name and address, and an electronic or paper form of signature from the recipient of the intoxicating
8 liquor;

9 (6) Only deliver intoxicating liquor to persons within this state for personal use and not for
10 resale from persons licensed by the division of alcohol and tobacco control as:

11 (a) Wine direct shippers, licensed under section 311.185; or

12 (b) Retailers, licensed under chapter 311; and

13 (7) Provide the division of alcohol and tobacco control a quarterly report of all intoxicating
14 liquor shipments made by each shipper to persons within this state for personal use and not for
15 resale during the preceding quarter. The alcohol carrier's quarterly report shall detail the:

16 (a) Business name for each shipper of intoxicating liquor;

17 (b) Name and address of the person within this state who received the intoxicating liquor;

18 (c) Weight of intoxicating liquor shipped; and

19 (d) Date of delivery.

20 4. Upon request by the licensed alcohol carrier, the division of alcohol and tobacco control
21 shall provide an electronic copy of all licensees that may ship intoxicating liquor to persons within
22 this state for personal use and not for resale.

23 311.187. 1. Notwithstanding any provision of law, rule, or regulation to the contrary, any
24 retailer located and conducting business in this state and who is licensed under this chapter may
25 deliver intoxicating liquor directly to persons within this state for personal use and not for resale,
26 excluding powdered alcohol as prohibited under section 311.188.

27 2. Missouri retailers who make deliveries directly to persons within this state for personal
28 use and not for resale shall:

29 (1) Consummate the sale of intoxicating liquor on the licensed premises. The sale may be
30 made in person, by phone, or by other electronic means;

31 (2) Ensure that all containers of intoxicating liquor delivered directly to a person within this
32 state for personal use and not for resale are conspicuously labeled with the words "CONTAINS
33 ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or
34 are conspicuously labeled with wording preapproved by the division of alcohol and tobacco control;

35 (3) Ensure the delivery driver is at least twenty-one years of age;

36 (4) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or
37 any person appearing to be in a state of intoxication;

38 (5) Require valid proof of identity and age;

39 (6) Obtain the signature of a person at least twenty-one years of age as a condition of
40 delivery; and

41 (7) Keep records for a period of two years of intoxicating liquor delivered, which include
42 the name of the purchaser, the weight of intoxicating liquor delivered, a copy of the invoice or
43 receipt, the recipient's name and address, and an electronic or paper form of signature from the
44 receipt of the intoxicating liquor."; and

45
46 Further amend said bill, Page 3, Section 311.188, Line 3, by inserting immediately after all of said
47 section and line the following:
48

1 "311.420. 1. No person, except carriers regulated by the motor carrier and railroad safety
2 division of the department of economic development under chapters 387, 389 and 390, shall
3 transport into, within, or through the state of Missouri any intoxicating liquors in quantities larger
4 than five gallons unless such person holds a valid license or permit from the supervisor of alcohol
5 and tobacco control of the state of Missouri to do so. For such license, there shall be paid to the
6 director of revenue the sum of ten dollars per annum. Application for such license shall be made to
7 the supervisor of alcohol and tobacco control of the state of Missouri and each applicant shall
8 submit with his application a bond in the penal sum of one thousand dollars with sufficient surety to
9 be approved by the supervisor of alcohol and tobacco control, conditioned that he will not violate
10 any provisions of the liquor control laws of this state or any regulation promulgated under such
11 liquor control laws, and any violation of such condition shall work a forfeiture of such bond to the
12 state of Missouri. The license year shall end on June thirtieth, and the applicant shall pay as many
13 twelfths as there are months, with each part of a month being counted as a month, remaining from
14 the date of the license to the next succeeding July first. The supervisor of alcohol and tobacco
15 control may issue single transaction licenses, for which there shall be paid to the director of revenue
16 the sum of five dollars, and, if the value of the liquor to be transported exceeds one hundred dollars,
17 the permit shall not be issued until the bond provided for above in this section is given to the state.
18 No such transporter's license shall be required of any person licensed by the supervisor of alcohol
19 and tobacco control whose licensed premises are located in the state of Missouri, nor shall it be
20 necessary to procure a license to transport liquor purchased from a retail liquor dealer duly licensed
21 by the supervisor of alcohol and tobacco control of the state of Missouri. No license or permit shall
22 be required to transport industrial alcohol.

23 2. The qualifications prescribed for the issuance of other licenses by the provisions of the
24 liquor control law shall not apply to licenses issued under this section, but no license shall be issued
25 to any person who is not of good moral character or who has been convicted since the ratification of
26 the twenty-first amendment to the Constitution of the United States of the violation of any law
27 applicable to the manufacture or sale of intoxicating liquor, nor to any person who has had a license
28 from the supervisor of alcohol and tobacco control revoked. If applicant is a corporation, the
29 managing officer thereof must possess the qualifications prescribed in this section.

30 3. Carriers licensed under this section or carriers exempt from holding a permit under this
31 section shall not deliver ~~[wine]~~ intoxicating liquor from outside the state of Missouri, in any
32 quantity, directly to a [resident of] person within this state without obtaining an alcohol carrier
33 license under section ~~[311.185]~~ 311.186.

34 ~~[311.462. 1. Notwithstanding any other provision of law, a holder of a retailer~~
35 ~~alcoholic beverage license in this state or a state which affords Missouri licensees an~~
36 ~~equal reciprocal shipping privilege may ship, for personal use and not for resale, not~~
37 ~~more than two cases of wine, each case containing not more than nine liters, per year~~
38 ~~to any adult resident of this state. Delivery of a shipment pursuant to this section~~
39 ~~shall not be deemed to constitute a sale in this state.~~
40 _____

41 ~~2. The shipping container of any wine sent into or out of this state under this section~~
42 ~~shall be clearly labeled to indicate that the package cannot be delivered to a person~~
43 ~~under the age of twenty-one years or to an intoxicated person.~~

44 ~~3. No broker within this state may solicit consumers to engage in interstate~~
45 ~~reciprocal wine shipments under this section. No shipper located outside this state~~
46 ~~may advertise such interstate reciprocal wine shipments in this state.]"~~; and
47

48 Further amend said bill by amending the title, enacting clause, and intersectional references

1 accordingly.